REMARKS

Claims 1-24, 27-30, 32-42, 44-46, 48-50, and 52-55 are pending in the Office Action. By this Amendment, Claims 25-26, 31, 43, 47, 51 are canceled, Claims 16-20, 22, 27, 30, 41-42, 44-46, 48-50 and 52 are amended, and new Claims 53-55 are added.

Applicants gratefully acknowledge the indication in the Office Action that Claims 3, 8, 13 and 27 contain allowable subject matter. Claim 27 has been amended and is now in independent form.

In the Office Action, the Examiner asserts that the Declaration filed on 17 April 2000 is defective, and requires a new Declaration. Although Applicants disagree with this requirement for reasons set forth in the Amendment filed 12 August 2002, Applicants are in the process of obtaining a new Declaration to comply with the Examiner's stated requirement. When this document is obtained, it will be promptly submitted to the U.S. Patent and Trademark Office.

In the Office Action, the Examiner rejects Claims 30-32 under 35 U.S.C. § 102(e) over U.S. Patent No. 6,169,538 to Nowlan (Nowlan). This rejection is respectfully traversed.

Nowlan discloses a system wherein as a user drags a pointer across a graphical user interface keyboard, the character or key beneath the pointer is enlarged, along with characters immediately adjacent the character underneath the pointer. See for example Figures 6-7 and column 4, line 60 to column 5, line 28. If the pointer is lifted, the key beneath the pointer is accepted as a text character. See for example column 4, lines 3-5. In this way a user can compose text, as shown for example in Figure 3. The zooming feature

shown in Figures 6-7 helps the user identify the character beneath the pointer, which can be useful when the un-zoomed size of the character is small and hard to see (refer to column 1, lines 12-22).

The enlargement of the character or key beneath the pointer is based on whether the user has placed the pointer over the character or key, and is not based on any characteristic of an object which the character or key represents. Accordingly, Nowlan fails to disclose or suggest *displaying said icons with different relative sizes within said window, wherein the different sizes of said icons are based upon characteristics of objects represented by the icons*, as recited in Claim 30. For at least this reason, withdrawal of the rejection of Claims 30-32 under 35 U.S.C. § 102(e) over Nowlan is respectfully requested.

In the Office Action, the Examiner rejects Claims 1-2, 4-7, 9-12, 14-26, 28-29, and 33-40 under 35 U.S.C. § 103(a) over a combination of Nowlan and Grossman. The Examiner also rejects Claims 41, 45, and 49 under 35 U.S.C. § 103(a) over Nowlan and Grossman in view of U.S. Patent No. 6,239,395 to Ulrich, *et al.* (Ulrich). The Examiner also rejects Claims 42-44, 49-48, and 50-52 under 35 U.S.C. § 103(a) over Nowlan and Grossman in view of *Windows 95 Uncut*, authored by Alan Simpson. These rejections are respectfully traversed.

Nowlan discloses a user selecting characters or keys by placing a pointer over the character or key. In response to the selection, the character or key is automatically enlarged. However, the user has no control over how much the character or key is enlarged. In contrast, Claim 1 recites *selecting individual icons to perform variable icon sizing* and *designating user preference values for each of the selected icons*, and *generating*

icon images of different respective sizes, wherein the different sizes of the icon images are based upon said user preference value. Nowlan fails to disclose or suggest these features, because Nowlan fails to disclose or suggest the user having control over how much the character or key is enlarged. In addition, Applicant notes that Claim 1 indicates that *icon images of* ***different*** *respective sizes* are generated for the selected individual icons. Since all of the Nowlan's selected characters or keys are enlarged the same amount, Nowlan fails to disclose or suggest that icon images of **different** respective sizes are generated for the **selected** individual icons, as recited in Claim 1. Nowlan further fails to disclose or suggest similar features recited in Claims 6 and 11. In addition, Grossman fails to overcome these deficiencies of Nowlan.

For similar reasons, Grossman and Nowlan fail to disclose or suggest that *the designated user preference values are different for each of the selected icons*, as recited in new Claims 53-55.

With respect to Claims 16, 19 and 22, both Nowlan and Grossman fail to disclose or suggest varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object, as recited in Claim 16, and similar features recited in Claim 19 and 22. Nowlan and Grossman likewise fail to disclose or suggest varying the size of a plurality of icons based on an object characteristic that is a size of the object, an amount of memory that the object uses, or a measure of how recently the object was added or amended, as variously recited in Claims 41-42, 44-46, 48-50, and 52. The Examiner asserts that Ulrich and *Windows* disclose objects having these characteristics, but Ulrich and *Windows* disclose nothing more than that. The Examiner's

assertion on pages 9-11 of the Office Action that variously combining Nowlan, Grossman, Ulrich and *Windows* to arrive at Applicants' claimed invention would have been obvious because "doing so allows users to access and view internal information related to the objects corresponding with said icons" is insufficient to establish a *prima facie* case of obviousness, because it is based on the Examiner's hindsight reconstruction. Nothing in the references cited by the Examiner teaches these claimed features. As set forth in *In re Mills*, 916 F.2d 608, 16 USPQ2d 1430 (Fed. Cir. 1990) the mere fact that references *can* be combined or modified does not render the resultant combination obvious unless the prior art also suggests the desirability of the combination. The Examiner has failed to show that the *prior art* suggests the desirability of the combination he is asserting, and thus has failed to present a *prima facie* case of obviousness with respect to these claims.

With respect to Claims 33, 37 and 39, Applicants note that Nowlan and Grossman fail to disclose or suggest varying the size of a plurality of icon images displayed in a display device based upon a user designated size, by selecting individual icons to perform variable icon sizing and designating a *different respective icon size for each of the selected icons*, as recited in Claim 33, and similar features recited in Claims 37, 39. This is because Grossman fails to disclose a user selecting icons for variable sizing, and because Nowlan's selected icons are all increased to the same, larger size, not to *different* respective icon sizes.

With respect to Claims 2, 7, 12, 17, 20, 23 and 26, the Examiner asserts on pages 5, 6 and 8 of the Office Action that Grossman teaches sorting icons into an order. This assertion is incorrect. Grossman discloses that when icons are not used, they are faded,

eliminated or shrunk to a smaller size. See for example the abstract, and column 9, lines 43-55. In essence the icons are gradually *deleted* based on frequency of use. Thus Grossman merely eliminating elements from a set, not "sorting into an order".

On page 4 of the Office Action, the Examiner states that "Nowlan alludes to varying the size of icons for signaling to the user icons that are more frequently selected." Applicants traverse this statement, and request the Examiner to cite a specific passage in Nowlan that teaches it.

On page 7 of the Office Action, the Examiner states that "Nowlan alludes to the need for varying the size of icons by allowing for the designating a greater amount of output screen real estate for more frequently selected icons." Applicants traverse this statement, and request the Examiner to cite a specific passage in Nowlan that teaches it.

On page 9 of the Office Action, the Examiner acknowledges that Nowlan and Grossman fail to disclose outputting data regarding the size, amount of memory used, number of files used, or any type of measure of how recently an object was added, but goes on to assert that "However, Nowlan and Grossman do suggest the need for such information." Applicants traverse this assertion, and request the Examiner to cite specific passages in Nowlan Grossman that teach it.

For at least the above reasons, Applicants respectfully submit that the asserted combinations of Nowlan, Grossman, Ulrich and *Windows* fail to disclose or suggest all of the features recited in the pending claims. Withdrawal of the rejections of Claims 1-2, 4-7, 9-12, 14-26, 28-29, and 33-45, 48-49 and 50-52 under 35 U.S.C. § 103(a) over the various combinations of Nowlan, Grossman, Ulrich and *Windows* is respectfully requested.

Applicants respectfully submit that the application is in condition for allowance. Favorable consideration on the merits and prompt allowance are respectfully requested. In the event any questions arise regarding this communication or the application in general, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,

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Marked-up Claims -

1. A method for varying the size of a plurality of icon images displayed in a display device based upon a user preference value, said method comprising the steps of:
storing icon data representative of a plurality of icon images;
selecting individual icons to perform variable icon sizing;
designating user preference values for each of the selected icons;
generating icon images of different respective sizes, wherein the different sizes of the icon images are based upon said user preference value; and
displaying said different sized icon images.

2. The method for varying the size of a plurality of icons of claim 1, wherein said generating step further comprises:
sorting icon images into an order based upon said designated preference values.

3. The method for varying the size of a plurality of icons of claim 2, wherein said generating step further comprises:
calculating a size gap between said ordered icon images using the following equation:
(max-min) /(N-1),
where N is the number of applications given a preference, min is a minimum icon size and max is a maximum icon size.

4. The method for varying the size of a plurality of icons of claim 1, wherein said icon images of different respective sizes are located within a window.

5. The method for varying the size of a plurality of icons of claim 1, further comprising the step of:
retrieving said icon image data from memory and scaling said icon image data in preparation for display on said display device.

6. A computer readable medium containing program instructions to:
store icon data representative of a plurality of icon images;
detect the selection of individual icons;
obtain user preference values for each of the selected icons;
generate icon images of different respective sizes, wherein the different sizes of the icon images are based upon said user preference value; and
display said different sized icon images.

7. The computer readable medium of claim 6, further comprising instructions to:
sort icon images into an order based upon said designated preference values.

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8. The computer readable medium of claim 7, further comprising instructions to:
calculate a size gap between adjacent icon image sizes using the following equation:
(max-min) /(N-1),
where N is the number of applications given a preference, min is the minimum icon size and max is the maximum icon size.

9. The computer readable medium of claim 6, wherein said different sized icon images are located within a window.

10. The computer readable medium of claim 6, further comprising instructions to:
retrieve said icon image data from memory and scale said icon image data in preparation for display.

11. An apparatus for varying a size of a plurality of icons images displayed in a window of a display device based upon a user preference value, said method comprising the steps of:
means for storing icon data representative of a plurality of icon images;
means for selecting individual icons for variable icon sizing;
means for designating user preference values for each of the selected icons;
means for generating icon images of different respective sizes, wherein the different sizes of the icon images are based upon said user preference value; and
display means for displaying said different sized icon images.

12. The apparatus for varying a size of a plurality of icons of claim 11, wherein said generation step further comprises:
sorting means for sorting icon images into an order based upon said designated preference values.

13. The apparatus for varying a size of a plurality of icons of claim 12, wherein said generating means further comprises:
calculating means for calculating a size gap between adjacent icon image sizes using the following equation:
(max-min) /(N-1),
where N is the number of applications given a preference, min is the minimum icon size and max is the maximum icon size.

14. The apparatus for varying a size of a plurality of icons of claim 11, wherein said different sized icon images are located within a window.

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15. The apparatus for varying a size of a plurality of icons of claim 11, further comprising:

retrieving means for retrieving said icon image data from memory and scaling said image data for display.

(amended) 16. A method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object, the method comprising the steps of:

storing icon data representative of a plurality of icon images;

selecting individual icons for variable icon sizing;

determining said object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons;

generating icon images of different respective sizes representing said objects, wherein the size of an icon is determined by said object characteristic; and

displaying said different sized icon images representing said plurality of objects.

(amended) 17. The method for varying the size of a plurality of icons of claim [15,] 16, wherein said generation step further comprises:

sorting icon images into an order based upon said object characteristic.

(amended) 18. The method for varying the size of a plurality of icons of claim 17, wherein [said generation means further] the method comprises:

determining the size of said icon by:

associating a maximum sized icon image with an object having one extreme value for the object characteristic;

associating a minimum sized icon image with an object having another extreme value for the object characteristic; and

assigning sizes to the remainder of said icon images with objects, in proportion to the objects associated with the maximum and minimum sized icons.

(amended) 19. An apparatus for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a number of files in the object, the apparatus comprising [the steps of]:

storing means for storing icon data representative of a plurality of icon images;

selecting means for selecting individual icons to perform variable icon sizing;

determining means for determining said object characteristic with respect to each of a plurality of objects associated with said selected individual icons;

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generating means for generating different sized icons representing said objects wherein said size of said icon is determined by said object characteristic of said objects; and

displaying means for displaying said variable sized icon images representing said plurality of objects.

(amended) 20. The apparatus for varying the size of a plurality of icons of claim 19, [wherein said generation step further comprises] comprising:

sorting means for sorting icon images into an order based upon said object characteristic.

21. The apparatus for varying the size of a plurality of icons of claim 19, wherein said generation means further comprises:

determining means for determining the size of said icon by:

associating a maximum sized icon image with an object having one extreme value for the object characteristic;

associating a minimum sized icon image with an object having another extreme value for the object characteristic; and

assigning sizes to the remainder of said icon images, in proportion to the objects associated with the maximum and minimum sized icons.

(amended) 22. A computer readable medium containing program instructions to:

store icon data representative of a plurality of icon images;

detect the selection of individual icons;

determine [said] an object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons, wherein the object characteristic is a number of files in the object;

generate different sized icons representing said objects wherein the size of an icon is determined by said object characteristic; and

display said different sized icon images representing said plurality of objects.

23. A computer readable medium of claim 22, further containing program instructions to:

sort icon images into an order based upon said object characteristic.

24. A computer readable medium of claim 22, further containing program instructions to:

determine the size of an icon by:

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associating a maximum sized icon image with an object having one extreme value for the object characteristic;

associating a minimum sized icon image with an object having another extreme value for the object characteristic; and

assigning sizes to the remainder of said icon images, in proportion to the objects associated with the maximum and minimum sized icons.

(canceled) 25. A method for varying the size of a plurality of icons images displayed in a container of a display device based upon a user preference value, said method comprising the steps of:

storing icon data representative of a plurality of icon images;

designating a user preference value for at least some of the plurality icon images located within the container;

generating different sized icon images, wherein the different sizes of the icon images are based upon said user preference value; and

displaying said different sized icon images.

(canceled) 26. The method for varying the size of a plurality of icons of claim 25, wherein said generation step further comprises:

sorting icon images into an order based upon said preference values.

(amended) 27. A method for varying the size of a plurality of icons images displayed in a container of a display device based upon a user preference values designated for at least some of the plurality icon images, the method comprising:

generating different sized icon images, wherein the different sizes of the icon images are based upon said user preference value and

[The method for varying the size of a plurality of icons of claim 26, wherein said generating step further comprises:

calculating] a size gap between said [ordered] icon images [using] is based on the following equation:

(max-min) /(N-1),

where N is the number of applications given a preference, min is the minimum icon size and max is the maximum icon size.

28. The method for varying the size of a plurality of icons of claim 25, wherein said container is a window.

29. The method for varying the size of a plurality of icons of claim 25, further comprising the step of:

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retrieving said icon image data from memory and scaling said icon image data in preparation for display on said display device.

(amended) 30. A method for displaying a plurality of icons in a window on a display device, comprising the steps of:

storing icon data representative of a plurality of icon images;

receiving a user command to display icons of varied sizes in said window; and

displaying said icons with different relative sizes within said window, wherein the different sizes of said icons are based upon characteristics of objects represented by the icons.

(canceled) 31. The method of claim 30, wherein the different sizes of said icons are based upon an object characteristic.

32. The method of claim 30, wherein the different sizes of said icons are based upon a user preference value given to each of said icons.

33. A method for varying the size of a plurality of icon images displayed in a display device based upon a user designated size, said method comprising the steps of:

storing icon data representative of a plurality of icon images;

selecting individual icons to perform variable icon sizing;

designating a different respective icon size for each of the selected icons;

generating icon images at sizes based on said designations; and

displaying said different sized icon images.

34. The method of claim 33, wherein said different sized icon images are located within a window.

35. The method of claim 33, wherein said designating step comprises the indication of relative sizes for the selected icons.

36. The method of claim 33, wherein said designating step comprises the indication of absolute sizes for the selected icons.

37. An apparatus for varying a size of a plurality of icon images displayed in a display device based upon a user designated size, comprising:

means for storing icon data representative of a plurality of icon images;

means for selecting individual icons to perform a variable icon sizing;

means for designating an icon size for each of the selected icons;

means for generating icon images at a size based on said designation; and

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means for displaying said different sized icon images.

38. The apparatus of claim 37, wherein said different sized icon images are located within a window.

39. A computer readable medium for varying the size of a plurality of icon images displayed in a display device based upon a user designated size, comprising instructions to:
store icon data representative of a plurality of icon images;
detect the selection of individual icons;
designate a respective icon size for each of the selected icons;
generate icon images at sizes based on said designations; and
display said different sized icon images.

40. The computer readable medium of claim 39, wherein said different sized icon images are located within a window.

(amended) 41. [The method of Claim 16,] A method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a size of the object, the method comprising the steps of:
storing icon data representative of a plurality of icon images;
selecting individual icons for variable icon sizing;
determining said object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons;
generating icon images of different respective sizes representing said objects, wherein the size of an icon is determined by said object characteristic; and
displaying said different sized icon images representing said plurality of objects.

(amended) 42. [The method of Claim 16,] A method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is an amount of memory that the object uses, the method comprising the steps of:
storing icon data representative of a plurality of icon images;
selecting individual icons for variable icon sizing;
determining said object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons;
generating icon images of different respective sizes representing said objects, wherein the size of an icon is determined by said object characteristic; and
displaying said different sized icon images representing said plurality of objects.

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(canceled) 43. The method of Claim 16, wherein the object characteristic is a number of files in the object.

(amended) 44. [The method of Claim 16,] A method for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a measure of how recently the object was added or amended, the method comprising the steps of:

storing icon data representative of a plurality of icon images;

selecting individual icons for variable icon sizing;

determining said object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons;

generating icon images of different respective sizes representing said objects, wherein the size of an icon is determined by said object characteristic; and

displaying said different sized icon images representing said plurality of objects.

(amended) 45. An apparatus for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a size of the object, the apparatus comprising:

storing means for storing icon data representative of a plurality of icon images;

selecting means for selecting individual icons to perform variable icon sizing;

determining means for determining said object characteristic with respect to each of a plurality of objects associated with said selected individual icons;

generating means for generating different sized icons representing said objects wherein said size of said icon is determined by said object characteristic of said objects; and

displaying means for displaying said variable sized icon images representing said plurality of objects.

(amended) 46. An apparatus for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is an amount of memory that the object uses, the apparatus comprising:

storing means for storing icon data representative of a plurality of icon images;

selecting means for selecting individual icons to perform variable icon sizing;

determining means for determining said object characteristic with respect to each of a plurality of objects associated with said selected individual icons;

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generating means for generating different sized icons representing said objects wherein said size of said icon is determined by said object characteristic of said objects; and

displaying means for displaying said variable sized icon images representing said plurality of objects.

(canceled) 47. The apparatus of Claim 19, wherein the object characteristic is a number of files in the object.

(amended) 48. An apparatus for varying the size of a plurality of icons based upon an object characteristic, wherein the object characteristic is a measure of how recently the object was added or amended, the apparatus comprising:

storing means for storing icon data representative of a plurality of icon images;

selecting means for selecting individual icons to perform variable icon sizing;

determining means for determining said object characteristic with respect to each of a plurality of objects associated with said selected individual icons;

generating means for generating different sized icons representing said objects wherein said size of said icon is determined by said object characteristic of said objects; and

displaying means for displaying said variable sized icon images representing said plurality of objects.

(amended) 49. A computer readable medium containing program instructions to:

store icon data representative of a plurality of icon images;

detect the selection of individual icons;

determine an object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons, wherein the object characteristic is a size of the object;

generate different sized icons representing said objects wherein the size of an icon is determined by said object characteristic; and

display said different sized icon images representing said plurality of objects.

(amended) 50. A computer readable medium containing program instructions to:

store icon data representative of a plurality of icon images;

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detect the selection of individual icons;

determine an object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons, wherein the object characteristic is an amount of memory that the object uses;

generate different sized icons representing said objects wherein the size of an icon is determined by said object characteristic; and

display said different sized icon images representing said plurality of objects.

(canceled) 51. The computer readable medium of Claim 22, wherein the object characteristic is a number of files in the object.

(amended) 52. A computer readable medium containing program instructions to:

store icon data representative of a plurality of icon images;

detect the selection of individual icons;

determine an object characteristic with respect to each of a plurality of objects respectively associated with said selected individual icons, wherein the object characteristic is a measure of how recently the object was added or amended;

generate different sized icons representing said objects wherein the size of an icon is determined by said object characteristic; and

display said different sized icon images representing said plurality of objects.